

# **EXHIBIT 12**

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION**

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SMHG PHASE I LLC, a Delaware Limited  
Liability Company,

Plaintiff,

v.

MICHAEL EISENBERG,  
NOURIEL ROUBINI, and  
DAVID SHUSTERMAN,

Defendants.

**DECLARATION OF  
DAVID SHUSTERMAN**

Civil No. 1:22-cv-00035

Judge David Barlow  
Magistrate Judge Jared C. Bennett

I, David Shusterman, hereby declare and state as follows:

1. In approximately June 2020, there were separate discussions with SMHG's agent, Brian Williams ("Williams") and Eisenberg and Eisenberg's business partner David Shusterman ("Shusterman"). Eisenberg and Shusterman requested additional time to close the sale. This request was granted orally by SMHG's agent, Brian Williams. SMHG agreed to extend the Closing Date.

2. At no point has Eisenberg or Roubini transferred either of their interests to the lot, under the REPC, to Shusterman.

**DECLARATION**

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

SIGNED June 27, 2022

At: New York City, New York  
City or other location, and state or country

David Shusterman  
Printed Name

/s/David Shusterman\*  
Signature

\*Signed with permission via Email on May 27, 2022